

**Plaintiff  
Jackie Fisher's**

**Response in Opposition  
to Defendants'**

**Motion for  
Summary  
Judgment**

**EXHIBIT  
10**

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David Watson, RN, BSN  
 Senior Nurse Manager  
 Huntsville Cluster  
 UTMB Correctional Managed Care  
 Estelle Regional Medical Facility  
 264 FM-3478  
 Huntsville, Texas 77320-3322

July 25, 2005

**TO:** Mary Gotcher, RN, ANP, Director of Nurses

**FROM:** David Watson, Huntsville Cluster Nurse Manager DW

**RE:** Request for Agency Staff

Due to the present vacancy rate as well as difficulty recruiting and retaining staff nurses, I am requesting the use of agency nurses for the Huntsville and Goree Units.

Some of the factors that brought about this situation are:

- Resignation of LVN CID nurse at FE resigned who wanted to return to school
- Resignation of RN at FE due to dissatisfaction with on-call
- Termination of LVN from FE due to practice issues
- LVN and PCA at HV were terminated due to attendance problems
- Resignation of RN at Goree due to another job offer
- Resignation of LVN at Goree due to practice issues
- Resignation of RN at Huntsville due to promotion to ANM
- The ANM for HV is on medical leave for surgery and not expected back till mid August
- The ANM for FE will be going out on maternity leave no later than 8-22 for 12 weeks

The most acute vacancy presently exists at the Ferguson unit in rural Walker County. However as a result of the recent Manpower Shortage decision concerning that unit, we have staff members that are willing to transfer there to compensate for the current vacancies. However, if that staff is moved to supplement the FE unit we will no longer be able to cover the units from which the transfer originates. Our plan is to move current and experienced employees to the FE unit and subsequently back-cover the Huntsville and Goree units. We have sufficient supervision to more easily oversee less experienced employees in this plan.

While we do make every effort to avoid the use of agency staff, we are faced with ever challenging environment in which we compete for staff nurses. We have had little success in recruiting and retaining nursing staff. Last week there were no less than 7 advertisements in the local paper offering nursing positions. Some of the ads offer conventional hours such as 3-11 & 7-3. Frequently our shifts begin at 3 AM.

Other agencies offer sign on bonuses and modified hours such as the local hospital which recently advertised 32 hours work for 40 hours of pay. It is most difficult to compete with these offers in a small and rural community. We are also located a relatively short distance from large hospitals in Conroe, Bryan and the Woodlands that are 30 minutes drive from Huntsville. We are competing with multiple nursing homes and retirement communities as well as Home Health companies.

Your assistance and support in the situation is most appreciated.